IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

WP(C).No. 31523 of 2007(C)

PETITIONER:

KERALA HOLY CROSS SISTERS SOCIETY,
THRIKKAKARA, REPRESENTED BY ITS AUTHORIZD
SIGNATORY, SISTER SEEMA ANTONY,NADAKKAVU,CALICUT.

BY ADV. SRI.K.I.MAYANKUTTY MATHER
SMT.S.AMINA

RESPONDENTS:

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1. **STATE OF KERALA**
   REPRESENTED BY ITS CHIEF SECRETARY
   TO GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM.,
   PIN – 695 001.

2. **SECRETARY**
   HIGHER EDUCATION DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM, PIN – 695 001.

3. **UNIVERSITY OF CALICUT**
   REPRESENTED BY ITS REGISTRAR
   THENHIPALAM, MALAPPURAM DISTRICT,PIN – 673 635.

4. **VICE CHANCELLOR**
   UNIVERSITY OF CALICUT
   THENHIPALAM, MALAPPURAM DISTRICT, PIN – 673 635.

BY GOVERNMENT PLEADER SRI. M.R. SABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C). NO. 31523 OF 2007

Dated this the 29th day of October, 2007

J U D G M E N T

This writ petition is concerned with the claim for affiliation to the petitioner to start graduate courses in certain competitive subjects such as B.Sc. Fashion Designing and B.Sc. Catering and Food Technology in the self financing sector. In Ext.P9 judgment, this court directed that the University shall consider the matter in the light of the recommendation of the inspection commission and the observations in the aforesaid judgment. It was directed that the matter shall be placed before the next Syndicate meeting which was to be held immediately after the said judgment.

2. However, there was no syndicate in the office and therefore the direction was not carried out. In view of this, petitioner filed I.A. No.13121/2007 in W.P.(C) No.16270/07 seeking an order to the effect that since the Syndicate was not in office the 4th respondent should exercise the power in terms of Section 10(13) of the Calicut University Act, 1975. Petitioner also made reference to Exts.P13 and P14 by which the 4th respondent had exercised the power under

Section 10(13) and granted affiliation to some of the similar institutions. However, that I.A was disposed of by Ext.P15 order, as the learned Judge was not satisfied that the said order could be passed in an interlocutory application fled in a writ petition, which was already disposed of. It is in this background that this writ petition has been filed.

3. The only question that now calls for my consideration is whether the 4th respondent should be called upon to exercise his power under Section 10(13) of the Calicut University Act. Learned Standing counsel for the University submits that election of the Syndicate is being held now and that the Syndicate will be soon in place to consider the request of the petitioner as directed in Ext.P9 judgment. However, as it is an issue which is pending for quite a long time, I see no justification in leaving the matter to uncertainty again. This Court has to take care of such an uncertain situation like the one now prevailing in the University as it is for removing such situations that the respondent has been conferred power under Section 10(13). Exts.P13 and P14 shows that the 4th respondent has exercised such power in appropriate cases. Facts of this case can disclose that this is a fit case where the 4th respondent should

exercise his power under Section 10(13) of the University Act.

Accordingly, I dispose of this writ petition directing the 4th respondent to carry out the direction of this court in Ext.P9 judgment in terms of his power under Section 10(13) of the Calicut University Act, within two weeks from the date of receipt of a copy of this judgment.

Petitioner shall produce a certified copy of this judgment before the 4th respondent for compliance.

ANTONY DOMINIC, JUDGE

vps